

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTELLECTUAL VENTURES II LLC,

Plaintiff,

v.

AININ SEIKI CO., LTD.,  
AININ HOLDINGS OF AMERICA,  
INC., AININ TECHNICAL CENTER OF  
AMERICA, INC., AND AININ WORLD  
CORP. OF AMERICA,

Defendants.

Case No. 1:17-CV-00295-LPS-CJB

**DEFENDANTS' UNOPPOSED MOTION TO STAY  
PENDING CONCURRENT ITC INVESTIGATION**

Pursuant to 28 U.S.C. § 1659(a), Defendants Aisin Seiki Co. Ltd., Aisin Holdings of America, Inc., Aisin Technical Center of America, Inc., and Aisin World Corp. of America (collectively "Aisin Seiki") respectfully move this Court for a stay of the above-captioned case pending the final determination in related proceedings before the United States International Trade Commission ("ITC") involving Plaintiff Intellectual Ventures II LLC ("IV") and Aisin Seiki. Plaintiff does not oppose the relief sought in this motion.

On March 21, 2017, IV filed a complaint against Aisin Seiki and

other proposed respondents in the ITC alleging violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, for infringement of U.S. Patent Nos. 7,154,200 (“the ’200 patent”), 7,067,944 (“the ’944 patent”), 7,683,509 (“the ’509 patent”), and 7,928,348 (“the ’348 patent”)—the same patents asserted in the instant action—as well as U.S. Patent No. 7,067,952 which has not been asserted against Aisin Seiki in either the present action or the ITC. A copy of the ITC complaint is attached hereto as Exhibit A. The ITC instituted the investigation upon publication of the Notice of Investigation in the Federal Register on May 3, 2017. *See* 19 C.F.R. § 210.3. A copy of the Notice of Investigation in the Federal Register dated May 3, 2017 is attached hereto as Exhibit B. Thus, with respect to the ’200, ’944, ’509, and ’348 patents, the ITC proceeding involves the same parties and infringement allegations at issue in the instant district court action.

Section 1659 provides, in relevant part:

(a) Stay.— In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the civil action that is also a respondent in the proceeding before the Commission, the district court *shall stay*, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission, but only if such request is made within—

(1) 30 days after the party is named as a respondent in the proceeding before the Commission, or

(2) 30 days after the district court action is filed, whichever is later.

28 U.S.C. § 1659(a) (emphasis added).

Aisin Seiki is entitled to a stay at least because (i) Aisin Seiki filed the instant motion within the thirty-day period following the ITC's May 3, 2017 publication of the Notice of Investigation in the Federal Register, and (ii) both the ITC and district court action involve overlapping parties and infringement allegations. In requesting a stay, Aisin Seiki expressly reserves all of its objections and defenses to IV's complaint, including without limitation, any defenses based on lack of jurisdiction, improper venue, insufficiency of process, and insufficiency of service of process.

For the foregoing reasons, Aisin Seiki respectfully requests that this motion be granted pursuant to 28 U.S.C. § 1659(a).

Dated: May 31, 2017

RATNERPRESTIA

/s/ Jeffrey B. Bove  
Jeffrey B. Bove (No. 998)  
Rex A. Donnelly (No. 3492)  
Christopher H. Blaszkowski (No. 5673)  
Nemours Building  
1007 Orange Street  
Suite 205  
Wilmington, DE 19899  
Telephone: (302) 778-2500  
Facsimile: (302) 778-2600  
jbove@ratnerprestia.com  
radonnelly@ratnerprestia.com  
cblaszkowski@ratnerprestia.com

*Of Counsel:*

Eric W. Schweibenz

Robert C. Mattson

John S. Kern

John F. Presper

Alexander B. Englehart

OBLON, McCLELLAND, MAIER &  
NEUSTADT, L.L.P.

1940 Duke Street

Alexandria, Virginia 22314

Telephone: (703) 413-3000

Facsimile: (703) 413-2220

*Attorneys for Defendants Aisin Seiki  
Co., Ltd., Aisin Holdings of America,  
Inc., Aisin Technical Center of  
America, Inc., and Aisin World  
Corp. of America*

3614582\_1